

Amendments to the Drawings:

Applicant's herewith submit Replacement drawings to overcome the Examiner's objection regarding the "handwritten notations" for figures 2-8.

REMARKS

The above amendment with the following remarks is submitted to be fully responsive to the Official Action of October 3, 2007. Reconsideration of this application in light of the amendment and the allowance of this application are respectfully requested.

The drawings stand objected to for containing handwritten notations. In response, corrected formal drawings are submitted herewith. As a result, this objection is considered overcome.

Claims 1-14, 16, 21-39, 41, 46-69, 71 and 76-78 stand rejected under 35 USC 103(a) as being unpatentable over Plunkett et al. in view of Davis. Applicant and Applicant's representative met with Examiner on January 17, 2008 to discuss the prior art and the present invention. The Examiner's courtesies in granting and conducting the interview are appreciated. By this amendment, the independent and many dependent claims have been amended to clarify the present invention over the prior art. No new matter has been added. As a result, and for the reasons set forth below, it is believed that independent claims 1, 21, 46, 48, 51 and 76 are patentable over the combination of Plunkett et al and Davis.

Newly amended independent claims 1, 21, 46, 48, 51 and 76 are not rendered obvious by the combination of Plunkett and Davis for the following reasons. First, independent claims 1, 21 and 51 have been amended to require an employment salary database having current salary data with associated skill data wherein the current salary data includes at least one of job listings and employment histories from resumes. Independent claims 46, 48 and 76 have been amended to require an employment salary database having salary data that is devoid of survey salary data. Thus, the present invention does not use the conventional survey data but instead uses current salary data including at least one of job listings and employment histories from resumes, or salary data devoid of survey salary data. The present application

distinguishes survey data from current salary data (see at least paragraph 57; see also page 1 of provisional patent application Serial No. 60/391,926) and discusses the deficiencies of conventional survey data (see at least paragraphs 7-9). Applicant recognized that survey data suffers from various disadvantages including being outdated even before it is publicly available for use, and, importantly, requiring the person completing the survey to select from specific predefined job descriptions/titles. Plunkett and Davis are focused on the use of survey data and no where suggest, teach, or disclose the use of current salary data including at least one of job listings or employment histories from resumes (or salary data devoid of survey data) as a source for generating salary information. Thus, the combination of Plunkett and Davis does not render the present invention obvious.

Second, claims 1, 21, 46, 48, 51 and 76 have been amended to clarify that a user is allowed to enter at least one specific skill (claims 1, 21 and 51) or at least one specific skill level (claims 46, 48 and 76). Neither Plunkett nor Davis suggest a system or method that permits a user to generate salary information by entering specific skill based information defined by a user. Plunkett teaches using predefined job descriptions which the user must select (see paragraph 30). Davis admittedly teaches the importance of skill based compensation systems but only appears to suggest different methods of improving surveys for benchmarking so that the surveys focus more on skills. No where does Davis suggest a system or method for allowing potential employers to search salary data from a database of current salary data, nor how to best implement such a system. For arguments sake, even if Plunkett was aware of the importance of skill in determining salary, Plunkett apparently dealt with this awareness by using survey data, providing predetermined job descriptions, as provided by survey data, and implementing the search in a manner that permits the user to view the job descriptions and thus the skills in the predefined job descriptions. Another possible combination of Plunkett and Davis could be to seek out improved survey data having a greater number of more specifically predefined job descriptions

in an attempt to create more accurate data. In order to arrive at Applicant's claimed invention, a person of ordinary skill in this art must deviate from the fundamental teachings of Plunkett and Davis by abandoning survey data and predefined job descriptions. Therefore, without knowledge of Applicant's invention, there is no reason to believe that a person of ordinary skill in this art would find it obvious to combine Plunkett and Davis in such a manner, and implement a system and method for generating salary information in such a manner, so as to arrive at Applicant's invention as recited in the newly amended independent claims.

Accordingly, reconsideration and withdrawal of the rejection of claims 1, 21, 46, 48, 51 and 76 under 35 USC 103(a) is in order and respectfully requested. Also, Applicant respectfully submits that dependent claims 2-20, 22-45, 49-50, 52-75 and 77-78 are allowable in that, at least, they depend from what are now believed to be allowable base claims 1, 21, 48, 51 and 76. In addition, the other references used by the Examiner to reject the dependent claims do not makeup the shortcomings of Plunkett and Davis as discussed hereinabove. For example, dependent claims 15, 40, and 70 are not obvious in view of the combination of Plunkett, Davis and Johnston since Johnston still relies on survey data, not current salary data from job listings or resumes. Also, with respect to the rejection of claims 18, 19, 43, 44, 73 and 74, PR Newswire nowhere suggests that a user can input the skill information of interest, nor the use of job listings or resumes.

It is also noted that the specification and certain claims have been amended to include the average annual salary and the ticker being updated periodically to provide current real-time salary information. Support for these amendments is provided at least on pages 1, 10, 13, 17 and 18 of the original provisional patent application Serial No. 60/391,926 to which the present application claims priority. No new matter has been added.

Lastly, new claims 79 and 80 are hereby added to protect the performance of a relational match on the current salary data thereby improving the accuracy of the

results. Support for these claims is provided in paragraphs 65-66. Also, new claims 81 and 82 are added to protect the rendering of the change between a previous amount at least one of a labor cost and a bill rate, and a current amount of the labor cost and/or bill rate. Support for these claims is provided at least in paragraphs 85-86 and Fig. 5. No new matter has been added.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. However, if any issue remains after considering this response, the Examiner is invited to call the undersigned to expedite the prosecution and work out any such issue by telephone.

Respectfully submitted,

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Date: **January 31, 2008**